



March 22, 2005

ENGROSSED SENATE BILL No. 242

DIGEST OF SB 242 (Updated March 21, 2005 12:54 pm - DI 96)

Citations Affected: IC 9-29; IC 9-30.

Synopsis: Driver's license reinstatement fees. Permits a court to waive a driver's license reinstatement fee if: (1) the person who owes the fee is indigent; (2) the person who owes the fee has proof of future financial responsibility; and (3) waiver of the fee is appropriate in light of the person's character and the nature and circumstances surrounding the suspension of the person's license.

Effective: July 1, 2005.

Long, Howard

(HOUSE SPONSORS — MESSER, CRAWFORD)

January 6, 2005, read first time and referred to Committee on Judiciary.
February 17, 2005, amended, reported favorably — Do Pass.
February 21, 2005, read second time, ordered engrossed.
February 22, 2005, engrossed.
February 28, 2005, read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

March 8, 2005, read first time and referred to Committee on Roads and Transportation.
March 21, 2005, amended, reported — Do Pass.

C
o
p
y

ES 242—LS 6877/DI 106+



March 22, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 242

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 9-29-10-2 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2005]: Sec. 2. (a) A person who is indigent may file a petition for
4 waiver of a fee for reinstatement of the person's driver's license in
5 a criminal court of record in the person's county of residence.
6 (b) The clerk of the court shall forward a copy of the petition to
7 the prosecuting attorney of the county and to the bureau. The
8 prosecuting attorney may appear and be heard on the petition.
9 (c) The bureau is not a party in a proceeding under this chapter.
10 SECTION 2. IC 9-29-10-3 IS ADDED TO THE INDIANA CODE
11 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
12 1, 2005]: Sec. 3. (a) Upon its own motion, or upon a petition filed by
13 a person under section 2 of this chapter, a court may waive a fee
14 for reinstatement of a driver's license described in section 1 of this
15 chapter if the court finds that:
16 (1) the person who owes the fee for reinstatement of the
17 driver's license:

ES 242—LS 6877/DI 106+



C
o
p
y

(A) is indigent; and

(B) has presented proof of future financial responsibility;

and

(2) waiver of the fee for reinstatement of the driver's license is appropriate in light of the person's character and the nature and circumstances surrounding the person's license suspension.

(b) If a court waives a fee for reinstatement of a driver's license under this section, the court may impose other reasonable conditions on the person.

(c) If a court waives a fee for reinstatement of a driver's license under this section, the clerk shall forward a copy of the court's order to the bureau.

SECTION 3. IC 9-30-5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. (a) If a court grants a person probationary driving privileges under section 12 of this chapter, the person may operate a vehicle only as follows:

(1) To and from the person's place of employment.

(2) For specific purposes in exceptional circumstances.

(3) To and from a court-ordered treatment program.

(b) If the court grants the person probationary driving privileges under section 12(a) of this chapter, that part of the court's order granting probationary driving privileges does not take effect until the person's driving privileges have been suspended for at least thirty (30) days under IC 9-30-6-9.

(c) The court shall notify a person who is granted probationary driving privileges of the following:

(1) That the probationary driving period commences when the bureau issues the probationary license.

(2) That the bureau may not issue a probationary license until the bureau receives a reinstatement fee from the person, **if applicable**, and the person otherwise qualifies for a license.

SECTION 4. IC 9-30-6-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) This section does not apply if an ignition interlock device order is issued under section 8(d) of this chapter.

(b) If the affidavit under section 8(b) of this chapter states that a person refused to submit to a chemical test, the bureau shall suspend the driving privileges of the person:

(1) for one (1) year; or

(2) until the suspension is ordered terminated under IC 9-30-5.

(c) If the affidavit under section 8(b) of this chapter states that a

C
o
p
y



chemical test resulted in prima facie evidence that a person was intoxicated, the bureau shall suspend the driving privileges of the person:

(1) for one hundred eighty (180) days; or

(2) until the bureau is notified by a court that the charges have been disposed of;

whichever occurs first.

(d) Whenever the bureau is required to suspend a person's driving privileges under this section, the bureau shall immediately do the following:

(1) Mail a notice to the person's last known address that must state that the person's driving privileges will be suspended for a specified period, commencing:

(A) five (5) days after the date of the notice; or

(B) on the date the court enters an order recommending suspension of the person's driving privileges under section 8(c) of this chapter;

whichever occurs first.

(2) Notify the person of the right to a judicial review under section 10 of this chapter.

(e) Notwithstanding IC 4-21.5, an action that the bureau is required to take under this article is not subject to any administrative adjudication under IC 4-21.5.

(f) If a person is granted probationary driving privileges under IC 9-30-5 and the bureau has not received the probable cause affidavit described in section 8(b) of this chapter, the bureau shall suspend the person's driving privileges for a period of thirty (30) days. After the thirty (30) day period has elapsed, the bureau shall, upon receiving a reinstatement fee, **if applicable**, from the person who was granted probationary driving privileges, issue the probationary license if the person otherwise qualifies for a license.

(g) If the bureau receives an order granting probationary driving privileges to a person who has a prior conviction for operating while intoxicated, the bureau shall do the following:

(1) Issue the person a probationary license and notify the prosecuting attorney of the county from which the order was received that the person is not eligible for a probationary license.

(2) Send a certified copy of the person's driving record to the prosecuting attorney.

The prosecuting attorney shall, in accordance with IC 35-38-1-15, petition the court to correct the court's order. If the bureau does not receive a corrected order within sixty (60) days, the bureau shall notify

C
o
p
y



1 the attorney general, who shall, in accordance with IC 35-38-1-15,
2 petition the court to correct the court's order.

3 SECTION 5. IC 9-30-11-6 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. The bureau shall
5 reinstate motor vehicle registration that is suspended under this chapter
6 if the following occur:

7 (1) Any person presents the bureau or a bureau license branch
8 with adequate proof that all unpaid judgments with respect to the
9 motor vehicle have been paid.

10 (2) A reinstatement fee under IC 9-29 is paid to the bureau, **if**
11 **applicable.**

12 SECTION 6. IC 9-30-12-2 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. The bureau may:

14 (1) reinstate a license or permit revoked or suspended under
15 section 1 of this chapter; or

16 (2) revalidate a title or registration that has been invalidated under
17 section 3 of this chapter;

18 if the obligation has been satisfied, including the payment of service,
19 collection, and reinstatement fees, **if applicable.**

C
o
p
y



COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 242, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 29, delete "the circuit" and insert "**a criminal**".

Page 2, line 29, after "court" insert "**of record**".

Page 2, line 31, delete "circuit".

Page 2, line 38, delete "A" and insert "**Upon its own motion, or upon a petition filed by a person under section 2 of this chapter, a**".

Page 3, line 30, delete "circuit".

and when so amended that said bill do pass.

(Reference is to SB 242 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 11, Nays 0.

C
o
p
y



COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Senate Bill 242, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 24.

Page 2, line 28, delete "suspension, modification, or".

Page 2, line 38, delete "suspend,".

Page 2, line 39, delete "modify, or".

Page 2, line 39, delete "all or part of".

Page 3, line 4, delete "suspension, modification, or".

Page 3, line 4, delete "all or part of".

Page 3, line 8, delete "A" and insert **"If a court waives a fee for reinstatement of a driver's license under this section, the"**.

Page 3, line 8, delete ":".

Page 3, delete lines 9 through 11.

Page 3, line 12, delete "(2)".

Page 3, run in lines 8 through 12.

Page 3, line 13, delete "suspends, modifies, or".

Page 3, delete lines 16 through 39.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 242 as printed February 18, 2005.)

DUNCAN, Chair

Committee Vote: yeas 9, nays 0.

C
o
p
y

